

MILPERSMAN 1910-142

SEPARATION BY REASON OF MISCONDUCT - COMMISSION OF A SERIOUS OFFENSE

| | | | |
|---------------------------------------|--|--------------------------|---|
| Responsible Office | NAVPERSCOM (PERS-832) | Phone: DSN COM FAX | 882-4432/2303 (901) 874-4432 882-2624 |
| | NAVPERSCOM (PERS-913) Inactive Enlisted Members | Phone: DSN COM FAX | 882-4470 (901) 874-4470 882-2673 |
| NAVPERSCOM CUSTOMER SERVICE CENTER | | Phone: Toll Free | 1-866-U ASK NPC |

| | |
|-------------------|---|
| References | (a) Manual for Courts-Martial (MCM) (b) SECNAVINST 5300.28D (c) Uniform Code of Military Justice (UCMJ) |
|-------------------|---|

1. **Separation Authority (SA)**. Refer to MILPERSMAN 1910-704 to determine SA. When an administrative separation (ADSEP) board is held, refer to MILPERSMAN 1910-710 for guidance in determining SA.

2. **Policy**

a. Members may be separated based on commission of a serious military or civilian offense when:

(1) Specific circumstances of offense warrant separation; and

(2) Offense would warrant a punitive discharge per reference (a), appendix 12 for same or closely related offense.

b. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings; however, offense must be substantiated by a preponderance of evidence (e.g., copy of police record, Naval Criminal Investigative Service (NCIS) investigation, etc.).

3. **Mandatory Processing.** Processing is mandatory for:

a. Violent misconduct which resulted in, or had potential to result in, death or serious bodily injury (e.g., homicide, arson, armed robbery, assault with a deadly weapon, etc.).

b. The unlawful use of controlled substance analogues (designer drugs), natural substances (e.g., fungi, excretions), chemicals (e.g., chemicals wrongfully used as inhalants), propellants and/or a prescribed, or over-the-counter drug, or pharmaceutical compound with the intent to induce intoxication, excitement, or stupefaction of the central nervous system as defined in reference (b). The following are examples but are not all inclusive nor is processing under this instruction limited to the examples: spice, huffing, and natural substances such as Salvia Divinorum and mushrooms. The wrongful use of controlled substances including the misuse of steroids must be processed under MILPERSMAN 1910-146.

c. Drug Paraphernalia - all equipment, products, and materials that are used, intended for use, or designed for use in injecting, inhaling, or otherwise introducing controlled substances into the human body in violation of law.

d. Deviant sexual behavior (lewd and lascivious acts; forcible heterosexual sodomy; indecent assault, acts, and/or exposure; or any child sexual abuse, possession of child pornography, or incestuous relationships).

(1) If child sexual abuse including incest occurs, immediately notify

Commander, Navy Installations Command (CNIC)
Detachment (DET) Millington
Counseling, Advocacy, and Prevention (N911)

and

Navy Personnel Command (NAVPERSCOM)
Enlisted Performance and Separations Branch (PERS-832)/
Reserve Enlisted Personnel Branch (PERS-913).

Administrative processing is mandatory if case is substantiated for child sexual abuse.

(2) If member is ultimately retained, NAVPERSCOM, (PERS-832/913) will forward case to

| |
|--|
| CNIC DET Millington Counseling, Advocacy, and Prevention (N911) |
|--|

for evaluation and recommendation of long-term treatment. Regardless of acceptance into rehabilitation, NAVPERSCOM (PERS-832/913) may direct separation of member at expiration of active obligated service (EAOS) with an RE-4 reenlistment code.

(3) If member is accepted, but later evaluated as a rehabilitation failure, reprocess per MILPERSMAN 1910-162.

e. Sexual harassment under the following circumstances:

(1) Threats or attempts to influence another's career or job in exchange for sexual favors;

(2) Rewards (including bribes to influence favorably another's career) in exchange for sexual favors; or

(3) Unwanted physical contact of a sexual nature which, if charged as a violation of reference (c), could result in a punitive discharge.

4. **Procedures**. Use this table to determine processing procedures.

| WHEN... | THEN use | EXCEPT when... | THEN use... |
|---|---|---|--|
| offense requires mandatory processing or commanding officer (CO) believes circumstances surrounding offense warrants an Under Other Than Honorable (OTH) per MILPERSMAN 1910-300, | Administrative Board Procedure (MILPERSMAN 1910-404), | offense occurred preservice or in a prior enlistment and was unknown to Navy at time of enlistment or reenlistment and processing for fraudulent enlistment is not appropriate, | Notification Procedure (MILPERSMAN 1910-402) and process for erroneous enlistment. |

| | | | |
|--|---|--|--|
| offense does not require mandatory processing and CO believes circumstances do not warrant an OTH per MILPERSMAN 1910-300, | Notification Procedure (MILPERSMAN 1910-402). | | |
|--|---|--|--|

5. Characterization of Separation

a. Further guidance on characterization of service is provided in MILPERSMAN 1910-300. This table provides general information based on type of procedures used.

| IF... | THEN least favorable characterization is... |
|---|---|
| Notification Procedure is used, | General (GEN), per MILPERSMAN 1910-308. |
| Administrative Board Procedure is used, | OTH, per MILPERSMAN 1910-300. |

b. If member has less than 180 days of service, an Entry Level Separation (ELS) may be appropriate. See MILPERSMAN 1910-308 for further guidance.